



May 11, 2010

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Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 Twelfth Street, SW  
Washington, DC 20554

Re: *Ex Parte Notice*; WC Docket No. 09-135; 07-97 and 06-172

Dear Ms. Dortch:

Pursuant to Section 1.1206 of the Commission's rules, COMPTEL hereby gives notice that, on May 10, 2010, Jerry James, CEO, and the undersigned of COMPTEL; Howard Janzen, CEO, One Communications, Corp.; Danny Bottoms, President and CEO, and Francie McComb, Executive VP and General Counsel, of Cavalier Telephone; Edward J. Butler, Jr., President and CEO, PAETEC Energy and Joe Ambersley, Co-Founder, PAETEC Communications; Michael Robinson, President and CEO, BroadView Networks; Hal Turner, CEO, and James Falvey, Sr. Regulatory Counsel, of Pac-West Telecomm, Inc.; Ronald R. Beaumont, Founder and CEO, Hypecube, LLC; Deborah Ward, CEO, tsicorp; Chuck Taylor, CEO, Americatel Corp.; Dan Boynton, President and CEO, Zone Telecom; Dale R. Schmick, CEO, Yourtel America; Steven Dorf, CEO, FastTrack Communications; Jim Butman, Group President, TDS MetroCom; Jerry Ou, COO, Excel Telecommunications; Douglas Carlen, General Counsel, and Tony Hansel, Assistant General Counsel, of Covad Communications; Julia Strow, Co-Founder, Cbeyond Inc.; Samuel Kline, VP of Strategic Initiatives, Granite Telecommunications; Keith Kramer, Executive VP, STS Telecom; David Eckmann, Director, FPL FiberNet met with Colin Crowell and Zachary Katz, representatives of the Chairman Genachowski's office.

In the meeting the executives discussed the importance of continued access to unbundled loops and transport at UNE rates to their business plans, the innovation their companies have fostered and will continue to bring to the industry and the benefits of choice and affordable service that the competition they promote brings to consumers. These industry leaders also discussed the substantial negative impact a premature grant of forbearance - as would be the case if granted at this time in Phoenix - would have on their businesses, the people they employ and the consumers/businesses they serve. In particular, one company discussed its exit from, and another discussed its decision not to enter, the Omaha market as result of the grant of

forbearance in that market. Other companies, not in the Phoenix market, discussed the negative impact such a grant of forbearance would have their investment decisions in other regions, namely their reluctance to invest without the assurance of continued availability of the unbundled loop and transport at UNE rates. COMPTTEL urged the Commission to evaluate the extent of market share competitors that are not reliant on ILEC facilities have gained, in both the mass market and enterprise market, and whether there are alternative wholesale providers using their own facilities that are capable of serving throughout the area before granting forbearance.

Please feel free to the contact me if you have any questions.

Sincerely,

/s/ Karen Reidy

Vice President, Regulatory Affairs

cc: Colin Crowell  
Zachary Katz